

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

MIKAL DAVIS

Case No. 18-762-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 8, 2018 in the county of Philadelphia in the
Eastern District of Pennsylvania, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 922(g)(1)

Felon in possession of a firearm.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT OF PROBABLE CAUSE.

☒ Continued on the attached sheet.

Robert Cucinotta

Complainant's signature

Robert Cucinotta, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: May 14, 2018

David Strawbridge USMT

Judge's signature

City and state: Philadelphia, PA

~~Hon. Timothy R. Rice~~, U.S. Magistrate Judge

Printed name and title

DAVID STRAWBRIDGE USMT

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A COMPLAINT AND WARRANT**

I, Robert J. Cucinotta, a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with ATF and have been so employed since April 2007. I am currently assigned to the Firearms Trafficking Unit whose primary responsibilities include investigating individuals or groups who have committed violations of federal firearms laws. During my eleven-year tenure as an ATF agent, I have conducted numerous investigations that have resulted in the arrests and successful prosecutions of individuals who have committed violations of federal law, including violations of federal firearms laws.

2. Based on my training and experience, and the facts set forth in this affidavit, there is probable cause to believe a violation of Title 18, United States Code, Section 922(g)(1) (felon in possession of a firearm) has occurred. I submit this affidavit in support of a criminal complaint and arrest warrant for Mikal DAVIS for a violation of the same.

3. I obtained the information contained in this affidavit through my investigation and through the information relayed to me by fellow agents, and Philadelphia Police Department (PPD) detectives and police officers. Because I am submitting this affidavit for the limited purpose of securing an arrest warrant for Mikal DAVIS, I have not included every fact known to me concerning this investigation; rather, I have set forth only facts necessary to establish probable cause.

4. On May 8, 2018 at approximately 5:35pm, PPD dispatch reported a “person with a gun” on 6010 Charles Street in Philadelphia, Pennsylvania 19135. Two PPD Officers patrolling the area were driving, in a marked police vehicle, approaching this area when they heard the dispatch.

5. As the officers drove northbound towards 6010 Charles Street, they saw a crowd forming in the street outside of this address. The officer driving the police vehicle (Driver) stopped it in the street just south of 6010 Charles. As he did so, his partner saw, consistent with what can be seen on surveillance video from a local food market, a group of three men standing by a Cadillac CTS-4, Pennsylvania license plate number FP-11936. This officer, Passenger, saw one of the men, who stood within feet of the passenger’s side of the police vehicle, holding a black handgun.

6. The man holding the firearm, later identified as Mikal DAVIS, was facing northbound on Charles Street as the PPD officers drove up from behind him. As the police car passed DAVIS, Passenger saw DAVIS react by turning to the Cadillac CTS-4 next to him and hiding the firearm in the wheel well of the Cadillac. DAVIS can be seen on surveillance video from the local food market making this movement to hide something in the Cadillac’s wheel well.

7. Officer Ferreira then got out of the police vehicle and approached the wheel well where DAVIS placed the firearm. Seeing this, DAVIS turned and ran northbound on Charles Street and turned right down an alley, running eastbound toward Tackawanna Street.

8. Officer Ferreira followed in pursuit, noting to his partner as he ran that he had spotted a firearm. Officer Ferreira followed DAVIS down the alley and quickly caught up with him. A large crowd followed the pursuit and formed around Officer Ferreira and DAVIS.

DAVIS initially resisted arrest; however, once Passenger's partner, Driver, came upon Passenger and DAVIS, he pacified the crowd and DAVIS by drawing and maintaining his taser at the low ready position and commanding everyone to get back. The officers then handcuffed DAVIS.

9. Driver stayed with DAVIS and frisked him for weapons while Passenger ran back to the Cadillac to retrieve the firearm. Passenger recovered the firearm, a Ruger, Model LC380, .380 caliber pistol, with an obliterated serial number, loaded with seven rounds in the magazine and one live round in the chamber,¹ from the wheel well of the Cadillac and secured it in the police vehicle. A review of surveillance video from the food market confirms that the gun was undisturbed where DAVIS tried to hide it until police recovered it.

10. After securing the firearm, police obtained first aid supplies and returned to where Driver waited with DAVIS. Officers tended to DAVIS's leg, which was cut during his flight.

11. DAVIS was arrested and taken to Frankford South Hospital where he was cleared by medical professionals before being taken to the police station. At some point during transition to the police station, DAVIS claimed that he had intended to keep the handgun from being used in a fight. A review of surveillance video appears to belie this assertion.

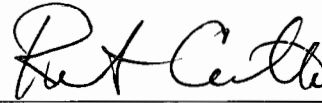
12. DAVIS has previously been convicted of a crime punishable by imprisonment for a term exceeding one year, a 1999 firearm conviction.

13. Ruger pistols are manufactured outside the Commonwealth of Pennsylvania.

14. Based on the above facts, your affiant believes there is probable cause to charge Mikal DAVIS with possessing a firearm on May 8, 2018 on Charles Street in Philadelphia after

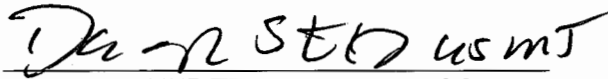
¹ Forensic analysis revealed gunshot residue in the barrel of the firearm.

having been convicted of a crime punishable by imprisonment for a term exceeding one year in violation of Title 18, United States Code, Section 922(g)(1).



ROBERT J. CUCINOTTA
Special Agent, Bureau of Alcohol,
Tobacco, Firearms, and Explosives

Sworn to before me
this 14th day of May 2018



~~HONORABLE TIMOTHY R. RICE~~

United States Magistrate Judge

DAVID STANBIZE